

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

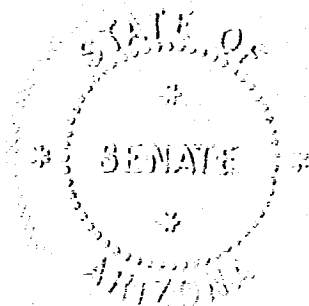
CHAPTER 93

SENATE BILL 1152

AN ACT

AMENDING SECTIONS 8-344, 8-390 AND 8-418, ARIZONA REVISED STATUTES; RELATING
TO VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-344, Arizona Revised Statutes, is amended to
3 read:

4 8-344. Restitution payments

5 A. If a juvenile is adjudicated delinquent, the court, after
6 considering the nature of the offense and the age, physical and mental
7 condition and earning capacity of the juvenile, shall order the juvenile to
8 make full or partial restitution to the victim of the offense for which the
9 juvenile was adjudicated delinquent or to the estate of the victim if the
10 victim has died. The juvenile shall make restitution payments to the clerk
11 of the court for disbursement to the victim or estate of the victim.

12 B. The court shall notify the victim OR ESTATE OF THE VICTIM of the
13 dispositional hearing. The court may consider a verified statement from the
14 victim OR ESTATE OF THE VICTIM concerning damages for lost wages, reasonable
15 damages for injury to or loss of property and actual expenses of medical
16 treatment for personal injury, excluding pain and suffering.

17 C. In ordering restitution pursuant to subsection A of this section,
18 the court may order one or both of the juvenile's custodial parents to make
19 restitution to the victim of the offense for which the juvenile was
20 adjudicated delinquent or to the estate of the victim if the victim has died.
21 The court shall determine the amount of restitution ordered pursuant to this
22 subsection, except that the amount shall not exceed the liability limit
23 established pursuant to section 12-661. The court may order a parent or
24 juvenile who is ordered to pay restitution to satisfy the order in a lump sum
25 or installment payments to the clerk of the court for disbursement to the
26 victim or estate of the victim. If the court orders the juvenile's parents
27 to make restitution pursuant to this subsection, the court shall order the
28 juvenile to make either full or partial restitution, regardless of the
29 juvenile's insufficient earning capacity. The court shall not consider the
30 ability of the juvenile's parents to pay restitution before making a
31 restitution order.

32 D. The juvenile court shall retain jurisdiction ~~for one hundred eighty~~
33 ~~days~~ OF THE CASE after the juvenile attains eighteen years of age for the
34 purpose of ~~entering both~~ MODIFYING THE MANNER IN WHICH COURT ORDERED PAYMENTS
35 ARE TO BE MADE. AFTER A JUVENILE ATTAINS EIGHTEEN YEARS OF AGE, THE JUVENILE
36 COURT SHALL ENTER THE FOLLOWING:

37 1. ~~Judgment~~ A JUVENILE RESTITUTION ORDER in favor of the state for the
38 unpaid balance, if any, of any costs, fees, surcharges or monetary
39 assessments imposed.

40 2. ~~Judgment~~ A JUVENILE RESTITUTION ORDER in favor of each person
41 entitled to restitution for the unpaid balance of any restitution ordered
42 PURSUANT TO THIS SECTION.

43 E. THE CLERK OF THE COURT SHALL SEND A COPY OF THE JUVENILE
44 RESTITUTION ORDER TO EACH PERSON WHO IS ENTITLED TO RESTITUTION.

1 E. F. ~~The judgment~~ A JUVENILE RESTITUTION ORDER may be RECORDED AND
2 enforced and ~~renewed~~ as any civil judgment, EXCEPT THAT A JUVENILE
3 RESTITUTION ORDER DOES NOT REQUIRE RENEWAL PURSUANT TO SECTION 12-1611 OR
4 12-1612. A JUVENILE RESTITUTION ORDER DOES NOT EXPIRE UNTIL PAID IN FULL.

5 G. A JUVENILE RESTITUTION ORDER IS A CRIMINAL PENALTY FOR THE PURPOSES
6 OF A FEDERAL BANKRUPTCY INVOLVING THE JUVENILE.

7 Sec. 2. Section 8-390, Arizona Revised Statutes, is amended to read:

8 8-390. Notice of proceedings

9 A. The court shall give notice to the prosecutor's office in a timely
10 manner of any changes in scheduled proceedings.

11 B. Except for detention hearings the court shall provide notice of all
12 proceedings to the prosecutor's office at least five days before a scheduled
13 proceeding.

14 C. If the court finds that it is not reasonable to provide the five
15 days' notice to the prosecutor's office pursuant to subsection B, the court
16 shall state in the record why it was not reasonable to provide five days'
17 notice.

18 D. On receiving the notice from the court, the prosecutor's office
19 shall, on request, provide notice to the victim in a timely manner of
20 scheduled proceedings, and any changes in the schedule AND THAT A
21 PREDISPOSITION OR DISPOSITION PROCEEDING MAY OCCUR IMMEDIATELY FOLLOWING
22 ADJUDICATION.

23 Sec. 3. Section 8-418, Arizona Revised Statutes, is amended to read:

24 8-418. Implementation fee; definition

25 A. For all juveniles adjudicated delinquent for offenses involving a
26 victim, including those who are adjusted pursuant to section 8-321, the
27 ~~juvenile probation officer~~ COURT OR IN THE CASE OF AN ADJUSTMENT PURSUANT TO
28 SECTION 8-321, A JUVENILE PROBATION OFFICER shall assess the parent of a
29 delinquent a fee of ~~fifteen~~ TWENTY-FIVE dollars unless THE PARENT OR A
30 SIBLING OF THE JUVENILE IS THE VICTIM OR UNLESS, after determining the
31 inability of the parent to pay the fee, the ~~juvenile probation officer~~ COURT
32 OR JUVENILE PROBATION OFFICER assesses a lesser amount. Monies assessed
33 pursuant to this section shall be paid to the clerk of the superior
34 court. Within ten working days of the last day of each month the clerk of
35 the superior court shall transmit all monies collected from this assessment
36 to the state treasurer for deposit in the victims' rights fund established by
37 section 41-191.08.

38 B. FOR THE PURPOSES OF THIS SECTION, "VICTIM" INCLUDES PERSONS,
39 CORPORATIONS, PARTNERSHIPS, BUSINESSES, ASSOCIATIONS AND OTHER LEGAL
40 ENTITIES.

41 Sec. 4. Effective date

42 Sections 8-344, 8-390 and 8-418, Arizona Revised Statutes, as amended
43 by this act, are effective from and after December 31, 2005.


APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

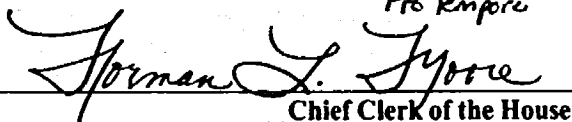
Passed the House April 12 20 05,

by the following vote: 49 Ayes,

9 Nays, 2 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House

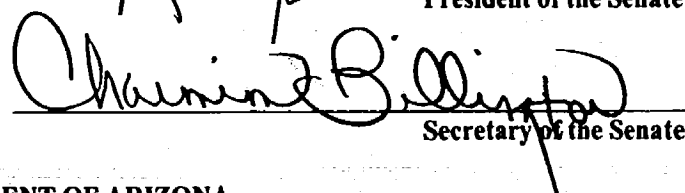
Passed the Senate March 10, 20 05,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 20 05


at 12:46 o'clock P. M.


Secretary to the Governor

Approved this 18 day of

April, 20 05,

at 1:45 o'clock P. M.


Governor of Arizona

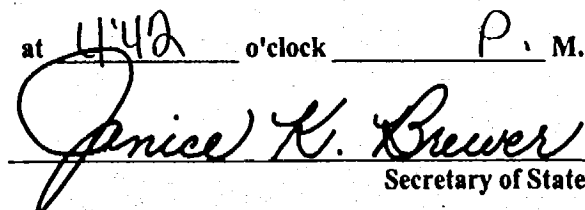
S.B. 1152

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 20 05

at 4:42 o'clock P. M.


Secretary of State